

BLUFFTON TOWN COUNCIL MEETING MINUTES
MAY 10, 2016

Mayor Lisa Sulka called the meeting to order at 6:00 p.m. Council members present were Mayor Pro Tempore Larry Toomer, Fred Hamilton, Harry Lutz and Dan Wood. Town Manager Marc Orlando, Deputy Town Manager Scott Marshall, Assistant Town Manager/Executive Director of the Bluffton Public Development Corporation Shawn Leininger, Finance Director Shirley Freeman, Director of Growth Management Kendra Lelie, Major/Deputy Chief Joseph Manning, and Town Attorney Terry Finger were also in attendance.

Pledge of Allegiance and Invocation was given by Mayor Sulka. Mayor Sulka requested a moment of silence in remembrance of accident victims Grace Sulak, Andrea Dewey and Emma Dewey.

Adoption of Agenda:

Hamilton moved to adopt the agenda as presented with removing item no.

6-h – “Recognition of Officers Darius Elkin and Jeb Fay for being acknowledged at the SC Department of Public Safety Annual Awards Ceremony for their Efforts in Arresting Intoxicated Drivers”. Toomer seconded. The motion carried unanimously

Adoption of Minutes:

- a. Town Council Regular Meeting Minutes of April 12, 2016:

Toomer moved to adopt the Minutes of April 12, 2016 as presented. Wood seconded. The motion carried unanimously.

- b. Town Council Workshop Minutes of April 19, 2016:

Hamilton moved to adopt the Workshop Minutes of April 19, 2016 as presented. Toomer seconded. The motion carried unanimously.

Presentations, Celebrations and Recognitions:

Mayor Sulka recognized the following:

- Bluffton School District Character Education Students of the Month:
 - Alexis Rodriques, 4th grade, Pritchardville Elementary School – Character Trait for March is Self-Control; and
 - Jonathan McBeatch, 6th grade, Bluffton Middle School – Character Trait April is Forgiveness;

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Presentations, Celebrations and Recognitions – Continued:

- Mayor's Bluffton Youth Community Service Award Presentation:
This award program provides high school sophomores and juniors recognition for their volunteerism at least 50 hours in the greater Bluffton Community. Volunteer hours must be earned between May 1st and April 30th of each calendar year. The following students participated:
 - **Jose Guerra** – 62 hours – ROTC – Gold (51+ Hours)
 - **Mylene Gonzales** – 51 hours – ROTC – Gold (51+ Hours)
 - **Jennifer Bermejo** – 87- ROTC – Gold (51+ Hours)
 - **Francisco Maldonado** – 100 hours – ROTC – Mayor's Exceptional Service Award (100+ hours)
 - **Emerald Cabanilla** – 55 hours – ROTC – Gold (51+ Hours)
 - **Justin Dettenmayer** – 76 hours – ROTC – Gold (51+ Hours)
 - **Evelyn Diaz** – 134.75 – ROTC – Mayor's Exceptional Service Award (100+Hours)
 - **Ney Maldonado** – 70.5 hours – ROTC – Gold (51+ Hours)
 - **Juan Granados** – 72 hours – ROTC – Gold (51+ Hours)
 - **Hannah Hundley** – 70 hours – Gold (51+ Hours)
 - **Daniela Lozano Garcia** – 90 hours – Gold (51+ Hours)
 - **Adelynn Helms** – 58.25 hours – Gold (51+ Hours)
 - **Keiona Marshall** – 61 hours – Gold (51+ Hours)
 - **Bailey Priester** – 102 hours – Mayor's Exceptional Service Award (100+ Hours)
- Kendra Lelie, Director of Growth Management, Service to the Town of Bluffton:
Mayor Sulka read a proclamation and Councilman Hamilton presented her a gift from the Town of Bluffton. Kendra's last day will be May 13th.
- Shawn Leininger, Assistant Town Manager/Executive Director of the Bluffton Public Development Corporation, Service to the Town of Bluffton:
Mayor Sulka read a proclamation and Mayor Pro Tempore Toomer presented him a gift from the Town of Bluffton. His last day will be May 11th.

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Presentations, Celebrations and Recognitions – Continued:

Mayor Sulka read/acknowledged the following Proclamations:

- Peace Officer's Memorial Day Proclamation;
- National Historic Preservation Month which was accepted by the Town of Bluffton Historic Preservation Commission members Margie Blair, William Guenther, and Chris Epps;
- Kids to Park Day Proclamation;
- National Mental Health Awareness Month which was accepted by Bluffton High School Student Adelynn Helms; and
- Wounded Warriors of the Lowcountry Proclamation.

Introduction of New Employees:

- Terrie Green – Customer Service
Police Department:
- Camille Olson – Police Clerk
- Cody Kirkman – Police Officer
- Peter "Andy" James – Police Officer
- Joe DeLong – Police Officer
- Corey Pennington – Police Officer

Public Hearing and Final Reading:

Consideration of a Zoning Text Amendment to the Unified Development Ordinance, Section 6.5, Workforce/Affordable Housing, Sustainable Development Incentives, Establishing a Density Bonus Incentive for the Development of Workforce/Affordable Housing:

Mayor Sulka opened the Public Hearing at 6:43 p.m.

Public Comments: There were none.

Public Hearing closed at 6:43 p.m.

Kendra Lelie, Director of Growth Management, gave an overview. The Planning Commission recommends Town Council approve First Reading of an Ordinance amending Article 6, *Sustainable Development Incentives* establishing a density bonus incentive for the development of workforce/affordable housing.

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Consideration of a Zoning Text Amendment to the Unified Development Ordinance, Section 6.5, Workforce/Affordable Housing, Sustainable Development Incentives, Establishing a Density Bonus Incentive for the Development of Workforce/Affordable Housing – Continued:

As set forth in Section 3.5.2 of the Unified Development Ordinance, an application for a Unified Development Ordinance (UDO) Text Amendment may be initiated by a Town of Bluffton property owner, Town Council, Planning Commission, or the UDO Administrator when public necessity, convenience, State or Federal law, general welfare, new research, or published recommendations on zoning and land development justifies such action. In this instance, the Affordable Housing Committee recommended the UDO Administrator initiate the application for the proposed text amendment. Town Council reviewed the proposed ordinance amendment at the February Town Council meeting and agreed to refer the ordinance to Planning Commission for a public hearing.

On November 3, 2015, the Affordable Housing Committee recommended the following amendments to Section 6.5 Sustainable Development Incentives of the Unified Development Ordinance:

1. Increase the term of affordability from ten years to thirty years.
2. A deed restriction, which is the term of affordability, is placed on an affordable/workforce unit to ensure that the unit remains affordable to low and moderate income households for a specific period of time. The expansion of the time required for the term of the deed restriction will enable the Town to increase the supply of affordable/workforce housing for a longer term which ensures a continual stock of affordable units for low and moderate-income families.
3. The addition of a density bonus as another incentive for the production of affordable/workforce housing will allow for an increase in the number of dwelling units on the site provided a certain number of affordable/workforce dwelling units are provided. The following is the proposed language to be included as an incentive within Section 6.5 Sustainable Development Incentives for applications of affordable/workforce housing developments within a place type and/or existing neighborhoods as designated on the Growth Framework Map specified in the Town's Comprehensive Plan or having an approved Neighborhood Plan:

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Consideration of a Zoning Text Amendment to the Unified Development Ordinance, Section 6.5, Workforce/Affordable Housing, Sustainable Development Incentives, Establishing a Density Bonus Incentive for the Development of Workforce/Affordable Housing – Continued:

Density Bonus. Any development providing workforce/affordable housing within a Zoning District that explicitly provides for a permitted base density shall receive a density bonus as provided below

Table 6.5.4: Density Bonus Incentive

<i>Percentage of Workforce/Affordable Housing Units</i>	<i>Density Bonus</i>
<i>Minimum 25%</i>	<i>25%</i>
<i>26-50%</i>	<i>50%</i>
<i>51-75%</i>	<i>75%</i>
<i>76+%</i>	<i>100%</i>

- All market-rate units shall be provided on site, except that, in a development undertaken in phases, stages, or otherwise developed in distinct sections, such units may be located in other phases, stages, or section, subject to the terms of the Development Plan.*
- Design guidelines. The project shall at a minimum meet the applicable design requirements in Article 5. The UDO Administrator shall review the project and determine if additional community features such as but not limited to additional open space, parking, lighting, streetscape elements (bike racks, street trees, sidewalks, multi-use paths), buffer plantings, tree preservation and architectural enhancements are appropriate based upon the ultimate density of the project.*

The Affordable Housing Committee reviewed and recommended the density bonus incentive ordinance as one technique to realize the objective of incentivizing the private development of affordable/workforce housing.

First Reading was held on April 12, 2016 and the only change was as follows:

Section 3.5.3.D. The application considers the impact on the provision of public services.

Finding. An impact to the provision of public services is not anticipated.

The proposed amendment to the UDO to permit an increase in residential density for inclusionary housing developments has a potential to increase the need for additional public services such as police service, refuse disposal service and Town staff time due to an increase in population that is attributed to the additional housing units.

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Consideration of a Zoning Text Amendment to the Unified Development Ordinance, Section 6.5, Workforce/Affordable Housing, Sustainable Development Incentives, Establishing a Density Bonus Incentive for the Development of Workforce/Affordable Housing – Continued:

However, the overarching intent of Chapter 6, Sustainable Development Incentives is to promote smart growth by encouraging infill development in areas where infrastructure exists thereby reducing a significant impact on the delivery of public services.

Toomer moved to have Final Reading on the Consideration of a Zoning Text Amendment to the Unified Development Ordinance, Section 6.5, Workforce/Affordable Housing, Sustainable Development Incentives, Establishing a Density Bonus Incentive for the Development of Workforce/Affordable Housing. Lutz seconded. The motion carried unanimously.

Public Comments:

Lauren Jordan, 80 Paddleboat Lane, HHI, General Manager of Captain Woodys, stated Council/Staff has not met with the focus group endorsing the purchase of property proposed located on May River Road for parking. Businesses will pay for their employee parking and will validate customer's parking. Businesses are losing customers because of not enough parking in the Old Town/Promenade.

Brendon Downey, 80A Cassandra Lane, stated he attended the Parking Forum and the proposed purchase of property located on May River Road will allow 200 parking spaces. Customers will drive around 4 times looking for parking and then leave.

Burt Sky, 81 Bluffton Road, stated people are parking in areas zoned for no parking and it is not being enforced. It is creating a safety hazard and it needs to be addressed. Council needs to hold a workshop on the parking issues.

Suzanne Hobbs, 106 Pine Ridge Drive, stated she received a parking ticket for parking on a sidewalk on Lawton Street while attending the Farmers Market. There was no curb on sidewalk and she should have been issued a warning ticket instead.

Skip Hoagland, 61 Sparwheel Lane, HHI, stated that Mayor Sulka has made money in real estate from being the Mayor and needs to release her tax returns.

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Public Comments – Continued:

Margie Fox, 2 State of Mind, stated she attended the Parking Forum. The proposed property located on May River Road for parking would allow paid parking, trolleys, and buses and would be part of the solution. She requested Town Council to host a workshop on parking issues.

Richard Nettles, 31 Sweet Pond Court, stated he was opposed to the purchase of the property on May River Road to be used for a parking lot. It should be purchased by a private entity, not government.

Nancy Golson, 55 Myrtle Island, Owner of Eggs N Tricities, stated that she has received several complaints from her customers on parking in the Old Town. There is also a lot of illegal parking because of the lack of parking. It is a safety issue.

Joanie Heyward, 95 Heyward Street, thanked Town Council and staff for their preservation efforts. Purchasing property for a parking lot is a private enterprise, not for the Town. She had the following suggestions concerning the parking issues in the Old Town – enforce 3-hour parking, stripe Bridge Street, and have discussions to RTA and pursue a grant on having a shuttle.

Paige Camp, 41 Calhoun Street, agreed with Joanie Heyward and Richard Nettles' comments. She also thanked Kendra Lelie and Shawn Leininger and they will be missed.

Wayne McDonald, 6 Nanny Cove Road, stated he represents the owner of the May River Road property proposed for a parking lot. He stated the proposal is not presented properly and the purchase is justified. It will not be a parking garage. Although, a private investor can do anything they want to.

Communications from Mayor and Council:

Wood stated the Bluffton Village Festival was again a great success and it has become the best Bluffton Rotary Club event.

Consideration of a Proposed Amendment to Chapter 4, Animal Control, Ordinance – First Reading:

Town Attorney Terry Finger and Beaufort County Assistant Attorney Allison Coppage gave an overview. The Town of Bluffton Code of Ordinances, Chapter 4 – Animals, is proposed to be amended by striking it in its entirety and replaced with adoption, by reference, of Beaufort County Ordinance Chapter 14, Article II - Animal Control.

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Consideration of a Proposed Amendment to Chapter 4, Animal Control, Ordinance – First Reading – Continued:

In addition to reference to the Beaufort County Ordinance, several items should also be added to the amended Bluffton Code of Ordinances Chapter 4 which are unique to the existing Town of Bluffton Code regarding animal control.

A request has been made by Beaufort County for the Town of Bluffton to adopt the new County Animal Control Ordinance, by reference, and enter into an intergovernmental agreement which would allow the County to enforce the ordinance within Town limits. Currently, the County ordinance is only enforceable in the unincorporated areas of the County. In order for a County Ordinance to be enforceable within a municipality, the municipality would have to either adopt the ordinance, or enter into an agreement with the County for the ordinance to be in effect within the Town. The County would like for all Beaufort County municipalities to repeal their current animal control ordinance, adopt the County ordinance, and enter into an intergovernmental agreement in order for there to be a uniform animal control ordinance throughout the County.

The Towns of Port Royal and Hilton Head Island have already complied with this request from Beaufort County.

The Town has a current animal control ordinance in Chapter 4 of the Bluffton Code of Ordinances. The County ordinance would be a more comprehensive ordinance than the Town currently has in place. For instance, the County ordinance requires dogs to have an annual license unless they have a chip implanted or permanent tattoo placed on the dog. Also, the County classifies Pitbull dogs as a restricted species and applies special rules to ownership of these dogs, such as requiring spaying or neutering for all Pitbulls unless they meet a listed exception.

Items not addressed in the County ordinance that are currently covered in the Town's existing animal control ordinance are:

Sec. 4-4. - Driving and racing.

It shall be unlawful for any person to drive horses or other animals at a dangerous speed, or to race horses or other animals on the public streets.

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Consideration of a Proposed Amendment to Chapter 4, Animal Control, Ordinance – First Reading – Continued

Sec. 4-35. - Swine, livestock prohibited from Town; exceptions.

- (a) No swine or livestock shall be kept within the corporate limits without specific approval of the Town Council, or unless otherwise allowed by zoning regulations. No approval shall be granted or continued if such keeping shall constitute a menace health or welfare of the public.
- (b) No livestock shall be permitted to run at large.

Sec. 4-36. - Nuisances; failure to abate.

- (c) All stables, houses, and barns shall be kept in a clean and sanitary condition, and the manure not allowed to accumulate, and shall be subject to regulations prescribed by the County health officer.

Sec. 4-91. - Established.

- (a) The entire area within the corporate limits of the Town is hereby established and declared to be a wild bird sanctuary for non-game birds; provided, however, this section shall not apply to that area of town known as Palmetto Bluff.
- (b) Unless otherwise authorized under state hunting laws, it shall be unlawful within the Town to trap, hunt, shoot, harm, rob the nest of, or molest in any way any wild bird or fowl, except as may be determined by Town Council or the Manager.

These items have been retained and are included in the proposed ordinance.

Recommended Next Steps:

Pending successful first reading of this amended animal control ordinance, a resolution should be considered at the June 14 Town Council meeting to approve an Intergovernmental Services Agreement between Beaufort County and the Town for the purposes of providing animal control services within the Town's municipal boundaries. A draft of the agreement is attached to this report.

Wood moved to have first reading on a Proposed Amendment to Chapter 4, Animal Control, Ordinance. Hamilton seconded. The motion carried unanimously.

Fiscal Year 2017 Proposed Consolidated Budget – First Reading:

Marc Orlando, Town Manager, gave an overview of the proposed consolidated budget of \$36,652,292. The four major funds are as follows:

- General Fund – \$18,821,885
- Stormwater Fund – \$2,901,495
- Capital Improvements Program (CIP) Fund – \$12,492,115
- Debt Service Fund – \$2,436,797

There is no proposed ad valorem property tax rate increase with the Millage Rate remaining at 44.35.

There will be two Budget Workshops:

- May 16th for discussion on the following items:
 - General Fund
 - Debt Service Fund
 - Stormwater Utility Fee Fund
- May 26th for discussion on the following item:
 - Capital Improvement Program Fund

Hamilton moved to have First Reading on Fiscal Year 2017 Proposed Consolidated Budget. Wood seconded. The motion carried unanimously.

Consent Agenda:

- a. Monthly Department Reports: Police, Finance/Administrative, Engineering, Don Ryan Center for Innovation, and Growth Management
- b. Town Manager's Monthly Report
- c. Consideration of a Resolution Approving the Assessment Roll for Tax Year 2016 – Shirley Freeman, Director of Finance/Administration:
The Assessment District applies to certain areas within the previously established and approved Town of Bluffton Tax Increment Finance (TIF) District. All residents lots/units platted and recorded within the Assessment District are assessed a fee of \$75 per lot/unit. The Roll is updated each year to reflect newly recorded lots and changes in ownerships. The total number of lots/units in the 2015 Assessment District is 2,506 with a revenue projection of \$187,950. The funds are pledged for future debt service and are a part of debt service fund balance.

Toomer moved to accept the Consent Agenda as presented. Hamilton seconded. The motion carried unanimously.

Public Comments:

Sharon Brown, 163 Buck Island Road, thanked Kendra Lelie and Shawn Leininger for their service to the Town. She inquired on who she could talk to about Bluffton Eagles Field's phases 1 & 2 and stated this needed to be shared with the community.

Marc Orlando, Town Manager, stated the phases are not complete with the Town concentrating on sprucing up and making improvements the Field.

Executive Session:

- a. Discussion of Negotiations Relating to the Proposed Acquisition of Easements and Rights-of-Way for the Goethe-Shults Neighborhood Sidewalks Project (Pursuant to SC FOIA Act Section 30-4-70(a)(2))
- b. Discussion of Negotiations Relating to Proposed Contractual Arrangements and Proposed Transfer of Property within Bluffton Village (Pursuant to SC FOIA Act Section 30-4-70(a)(2))
- c. Discussions of Negotiations Relating to Proposed Contractual Arrangements and Proposed Purchase of Property within the Bluffton Historic District (Pursuant to SC FOIA Act Section 30-4-70(a)(2))

Hamilton moved for Town Council to go into Executive Session to discuss the above-mentioned items. Toomer seconded. The motion carried unanimously. Council entered into Executive Session at 8:06 p.m.

Actions from the Result of Executive Session:

Mayor Sulka called the meeting back to order at 9:16 p.m. and announced no votes were taken.

Toomer moved that Town Council authorize the Town Manager to approve and execute the permanent and temporary easements to install sidewalks and lighting along Goethe Road, Shults Road, and Hildebrand Road. The amount of the easements is \$58,693 with a 20% contingency reserved for negotiation. Lutz seconded. The motion carried unanimously.

Meeting adjourned at 9:21 p.m.

Mayor

Town Clerk